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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR      | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|---------------------------|---------------------|------------------|
| 10/032,177      | 12/21/2001  | Michael Steven Schlansker | 10991451-1          | 6160             |

7590 05/14/2004

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EXAMINER

KIM, KENNETH S

ART UNIT

PAPER NUMBER

2111

DATE MAILED: 05/14/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

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|                              |                        |                            |  |
|------------------------------|------------------------|----------------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b> | <b>Applicant(s)</b>        |  |
|                              | 10/032,177             | SCHLANSKER, MICHAEL STEVEN |  |
|                              | <b>Examiner</b>        | <b>Art Unit</b>            |  |
|                              | Kenneth S KIM          | 2111                       |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 21 December 2001.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-5 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.



KENNETH S. KIM  
PRIMARY EXAMINER

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All
  - b) Some \*
  - c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | Paper No(s)/Mail Date. _____.   |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>3/22/02, 6/30/03</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|   | 6) <input type="checkbox"/> Other: _____.                                   |

1. Claims 1-5 are presented for examination.
2. The abstract of the disclosure is objected to because the current abstract does not reflect the inventive feature of the claimed invention to distinguish over the prior art. Correction is required. See MPEP § 608.01(b).

All amended abstracts are to be submitted on a **separate sheet** (without the brackets and underlines) in addition to a mark-up copy.

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
4. Claims 1-5 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
  - (a) Claim 1, "said other function units" lacks antecedent basis
  - (b) Claim 2, it is not clear whether the data processing system utilizes the mapping stored in the memory.
  - (c) Claim 3, it is not clear what is the relationship between the super instructions and the limitations in the base claim (i.e., with the instruction sequence stored in the local memory).
  - (d) Claim 4, "said super instruction" lacks antecedent basis.

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

- (a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.
- (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
- (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1 and 5 are rejected under 35 U.S.C. 102(b) as being anticipated by Sowa, EP 284,364, submitted by the applicant.

Sowa teaches the invention as claimed in claims 1 and 5 including a data processing system executing a program having branch instructions comprising:

- (a) a plurality of processing sections (col. 2, lines 30-52), each processing section comprising:
  - (a1) a local memory (1, 2, 3) for storing instruction sequence that are executed by the processing section and comprising instructions of different length (can be any length, there is no length restriction),
  - (a2) a function unit (5, 9, 10) for executing instructions in said local memory (col. 2, line 41),
  - (a3) a pointer containing value defining a next instruction in said local memory to be executed by said function unit (col. 4, lines 21 and 39),
  - (a4) each function unit executes instructions synchronously with other function units (col. 8, line 18; col. 3, line 62),

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(a5) said pointer in each of said processing sections are reset to a new value determined by target address of said branch instructions when a function unit branches in response to a branch instruction (col. 4, lines 51-60), and  
(a6) said local memory comprises cache memory (14, col. 8, line 42; or use of cache well known) – claim 5.

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Singh et al taught a method using local cache memory associated with each function unit.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kenneth S KIM whose telephone number is (703) 305-9693. The examiner can normally be reached on M-F (8:30-17:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark Rinehart can be reached on (703) 305-4815. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9306 for regular communications and (703) 872-9306 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

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May 12, 2004



KENNETH S. KIM  
PRIMARY EXAMINER

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